U.S. Customs and Border Protection

Fiscal Year 2020
Imperial County Border Barrier Project
Stakeholder Feedback Report

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1. Introduction and Background

U.S. Customs and Border Protection (CBP), with the assistance of the Department of Defense pursuant to 10 U.S.C. § 284, is constructing approximately three miles of new steel bollard fencing in Imperial County, California. The project also includes the installation of a linear ground detection system, road construction or refurbishment, and the installation of a lighting and camera surveillance system supported by grid power.

As part of the planning process for the Imperial County border barrier project, CBP sought input from the public and other stakeholders on potential impacts to the environment, culture, commerce, and quality of life, including socioeconomic impacts. This input will be used to inform the development of an Environmental Stewardship Plan (ESP). It will also inform project planning and execution.

1.1 About Environmental Stewardship Plans

On March 16, 2020, the Secretary of Homeland Security determined that it was necessary to waive certain laws in order to expedite the construction of border infrastructure in areas of high illegal entry to deter illegal crossing of people and prevent drug smuggling into the United States.

The waiver includes various environmental, natural resource, and land management laws, including the National Environmental Policy Act (NEPA) and the Endangered Species Act. The Secretary of Homeland Security's waiver authority is set out in section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA").

Though certain laws have been waived, the Department of Homeland Security (DHS) remains committed to environmental and cultural stewardship. One of the ways CBP honors this commitment is through the development of the ESP, which, among other things, identifies potential impacts and outlines construction Best Management Practices (BMPs) to eliminate or minimize environmental impacts to the greatest extent possible.

1.2 Purpose of this Report

The purpose of this report is to summarize the input received during the public comment process in order to provide stakeholders and the public transparency into the environmental, cultural, and socioeconomic issues that will be considered during the development of the ESP. It does not present individual comments received or provide responses to the comments.

2. Public Input Process

From March 16, 2020 to May 15, 2020, input was collected regarding the potential impacts to the environment, culture, commerce, and quality of life, including socioeconomic impacts. CBP sent informational materials to federal, state, and local agencies, landowners, environmental non-governmental organizations, local tribes, and educational institutions and

solicited input on potential impacts. CBP also solicited input from the general public. The notification and informational materials are included as an appendix to this report.

Comments were collected through email and mail. In addition, CBP staff held virtual site visits, webinars, and phone meetings with landowners, environmental experts, tribal leaders, and other stakeholders. CBP staff plan to continue meeting with impacted stakeholders and knowledgeable individuals throughout the process to ensure environmental impacts are eliminated or minimized.

2.1 Public Feedback Review

All comments received by CBP have been reviewed and categorized. A total of 27 comments were received during the comment period. There were 20 comments that were identified as unique. The remaining comments were determined to be form letters. As the comments were received, they were reviewed and categorized by the primary topic of concern: environmental, economic, cultural, or quality of life. If a comment included substantive information on multiple topics, it was included in each relevant category.

The Infrastructure Portfolio outreach team reviewed all comments received during the comment period, responded to comments as appropriate, and prepared this report to summarize public input. The comment review was conducted based on explicit concerns; comments that were not specific or contained vague statements were not interpreted by the reviewers. Comments that provided substantive information were further assessed by CBP, often contacting that specific stakeholder to address specific questions or concerns. In some instances, the Infrastructure Portfolio outreach team contacted specific stakeholders to determine the validity of data provided for use in the assessment of environmental impacts.

As a next step, CBP will develop an ESP that will utilize existing and new environmental field survey data, as well as incorporate relevant information and data obtained from the public feedback process.

3. Summary of Public Feedback

The following summarizes CBP's review of the input provided by the public during the comment period. CBP identified 12 categories for the feedback it received from the public.

3.1 Need for/Effectiveness of the Barrier

A total of five (5) comments stated their opposition to the border barrier, questioning its need and effectiveness. These commenters believed that border barriers do not stop illegal migration.

3.2 Project Cost

A total of three (3) commenters opposed the border barrier due to the cost of the project. The commenters shared their belief that the barrier is a waste of taxpayer dollars and all three stated that the money could be better spent combating the COVID-19 pandemic.

3.3 Ecosystem/Wildlife/Plant Life

A total of 17 comments mentioned the potential impact of the project on wildlife, plant life, and/or ecosystems. Thirteen of those comments stated the infrastructure project would have a negative impact. Concerns addressed by the commenters included impacts to migration corridors and genetic diversity, as well as specific plant and wildlife species and their habitats, including flat-tailed horned lizard, desert tortoise, mountain lion, Quino checkerspot butterfly, migratory birds, and crucifixion thorn.

Commenters were particularly concerned about impacts to the endangered Peninsular bighorn sheep, which have critical habitat adjacent to the project and migrate across the border between the Jacumba Wilderness and Mexico throughout the year.

Two commenters included BMPs related to wildlife and habitat, such as minimizing artificial lighting and preventing the introduction of noxious weeds.

3.4 Historical/Cultural Preservation/Tribal Consultation

A total of seven (7) comments focused on potential historical or cultural impacts, including impacts to tribal lands. Commenters mentioned potential cultural and tribal resources on Bureau of Land Management land and at the Yuha Pinto Wash site. Commenters urged CBP to consult with tribes in the nearby area whose land or traditional use areas might be affected.

3.5 Water/Flooding

There were nine (9) comments regarding the potential impacts to flood risk, groundwater, or drinking water due to the barrier project. Specific concerns were related to erosion and sediment control, flash flooding, impacts to hydrologic flow, impacts to the Pinto Canyon drainage, and impacts to water quality. Several comments mentioned the potential for flash flooding.

Six comments expressed concerns over groundwater pumping and the resultant drawdown taking place over the Ocotillo-Coyote Wells Sole Source Aquifer, which could potentially impact drinking water wells.

3.6 Impact to Landowners/Businesses/Economic Impact

A total of three (3) commenters mentioned potential impacts to local landowners and businesses or economic impacts. One commenter cited concerns over socioeconomic impacts to both California and Baja California. Another noted that COVID-19 has negatively impacted businesses and argued that government funds should be spent helping these

businesses rather than on border barrier construction. One commenter voiced support for the border barrier and noted that local businesses in and near Jacumba Hot Springs and Boulevard could see an increase in visitation due to construction.

3.7 Recreation Activities

Three (3) comments cited concerns related to impacts on recreational activities, including day-hiking, rock climbing, off-roading, and target shooting. One commenter stated that the extent of the border barrier could permanently and negatively affect the experience of visitors to state parks.

3.8 Impacts to Landscape/View

A total of four (4) comments cited potential impacts to the landscape or view as a reason for their opposition to the project. One commenter argued that the impacts to the viewshed would negatively affect the potential use of state parks by visitors. Two comments described the negative impact of floodlights on the desert landscape and Jacumba Wilderness at night.

3.9 Public Health

There were eight (8) comments related to public health, all of which mentioned the COVID-19 pandemic. Specific concerns included the potential for construction workers to spread the virus to rural areas with minimal medical infrastructure, and the reliance on construction contractors to protect their workers while not requiring any specific precautions.

3.10 Air Quality

One (1) comment cited concerns related to air quality, including potential impacts from construction equipment, dust, and hazardous materials. The comment also described the relationship between air pollution and severe impacts from COVID-19 and noted that Imperial County's air pollution means its residents are particularly vulnerable to the disease.

3.11 Waiver of Environmental Laws

A total of five (5) commenters expressed opposition over DHS' waiver of environmental laws to expedite construction. Comments mentioned specific laws that were waived, such as NEPA. Two commenters recommended an additional assessment of the cumulative impacts of the border wall system given that the formal NEPA process was waived.

3.12 Form Letters

A total of seven (7) form letters were received from one environmental organization which encouraged members and the general public to submit the letter in response to the request for public comments. These letters stated opposition to development of the barrier, citing artificial lighting, noise, negative impacts to recreational activities, impacts to Quino checkerspot butterfly habitat, water usage, flooding, and the COVID-19 pandemic.

4. Review Next Steps

Stakeholder feedback, along with information from surveys of the project area, will inform project planning and execution. Stakeholder feedback will also inform the development of the ESP. The ESP will include a summary of the comments received and how they were addressed. The ESP will be released to the public through CBP.gov upon completion.